

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**NOTICE OF WITHDRAWAL OF DEFENDANT MASABI LTD’S MOTION FOR RULE
11 SANCTIONS AGAINST BYTEMARK, INC.**

In response to Defendant Masabi, LTD’s motion for Rule 11 sanctions against Plaintiff Bytemark, Inc., Plaintiff now has made several new disclosures, stated new infringement theories, and has for the first time made significant modifications to their defective infringement contentions. For example, Plaintiff now for the first time has removed from its claim infringement contention charts the 106 instances of “Information and Belief” that formed the basis of Plaintiff alleging the accused Masabi software infringed the asserted patents. Instead Plaintiff has now replaced some of those statements with citations to portions of the accused computer code.

Defendant is in the process of evaluating, inter alia, the adequacy of these recent disclosures to determine to what degree they may have addressed the issues raised in Defendant’s motion. In light of these recent disclosures, Defendant finds it prudent to withdraw their motion for rule 11 sanctions pending further review of Plaintiff’s papers to address the numerous defects set forth in the Rule 11 motion.

For the foregoing reasons, Masabi hereby withdraws its motion for sanctions.

Dated: July 28, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 28th day of July 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission.

By: /s/ Katarzyna Brozynski
Katarzyna Brozynski